

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jeffrey L. Browning *et al.*

Application No.: 09/767,370

Confirmation No.: 2716

Filed: January 23, 2001

Art Unit: 1643

For: METHOD FOR THE HIGH LEVEL
EXPRESSION OF ACTIVE LYMPHOTOXIN-
BETA RECEPTOR IMMUNOGLOBULIN
CHIMERIC PROTEINS AND THEIR
PURIFICATION

Examiner: H. C. Yaen

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
UNDER 37 C.F.R. 1.181(a)

Dear Sir:

Applicants' Attorney hereby petitions the Commissioner under 37 C.F.R. 1.181 to withdraw the holding of abandonment in the above-identified application.

As indicated in the Notice of Abandonment dated January 9, 2008 (a copy of which is enclosed as Appendix A), the above-referenced application was abandoned based on Applicants' "failure to timely file a proper reply to the Office letter mailed on 11 June 2007." However, Applicants filed a Notice of Appeal on December 11, 2007 with the appropriate request for extension and payment of the requisite fee. Therefore, the holding of abandonment is improper.

A brief summary of the facts are as follows:

Applicants filed a Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences on December 11, 2007 in response to the final Office Action dated June 11, 2007 which finally rejected claims 8, 11, 16, 26, 28, 29 and 37-51. A copy of the

papers filed with the Office is attached as Appendix B. Applicants received the date-stamped postcard, which is attached as Appendix C, indicating receipt by the Office. Applicants then received a Notice of Abandonment on January 9, 2008.

Accordingly, Applicants hereby request withdrawal of the holding of abandonment based on the aforementioned evidence that a Notice of Appeal was timely mailed.

If the Commissioner desires to communicate with Applicant's Attorney over the phone, or requires any further documentation in support of the present petition, Applicant's Attorney can be reached at 617-227-7400.

Dated: January 15, 2008

Respectfully submitted,

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